

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
WESTERN DIVISION**

JDS UNIPHASE CORPORATION BENEFITS
COMMITTEE of the JDS UNIPHASE CORPORATION
EMPLOYEE 401(k) RETIREMENT PLAN
Plaintiff/Counterclaim Defendant

v.

DOES 1 through 20, inclusive
Defendants

v.

DAVID M. KORNACKI, as Administrator of the
Estate of Kevin P. Kornacki;
Defendant/Cross Claim Plaintiff/
Counterclaim Plaintiff/Third Party Plaintiff

v.

MABEL TAVARES, an individual formerly known as
MABEL D. KORNACKI;
Defendant/Cross Claim Defendant

v.

JDS UNIPHASE CORPORATION EMPLOYEE
401(k) RETIREMENT PLAN
Third Party Defendant

Civil Action No. 05-11499-MAP

JOINT MOTION TO EXTEND DISCOVERY DEADLINE

Now come the JDS Uniphase Corporation Benefits Committee of the JDS Uniphase Corporation Employee 401(k) Retirement Plan (“the Committee”), the JDS Uniphase Corporation Employee 401(k) Retirement Plan (“the Plan”), David Kornacki (“Administrator Kornacki”), and Mabel Tavares (“Tavares”) (hereinafter collectively referred to as “the parties”) and move this Court to extend the discovery deadline in this case from December 30, 2005 to January 31, 2006.

In support of their motion, the parties state the following:

1. On or about September 7, 2005, the Court entered a Scheduling Order setting December 30, 2005 as the date for the close of written discovery and non-expert depositions.
2. The September 7, 2005 Scheduling Order also set a case management conference for January 9, 2006.
3. In accordance with the Scheduling Order, the Committee noticed the deposition of Tavares for December 13, 2005 and Administrator Kornacki noticed the deposition of the Committee for December 21, 2005.
4. Subsequent to the noticing of the above noted depositions, the parties commenced settlement negotiations.
5. In light of the pending settlement negotiations, the parties agreed to postpone the previously noted depositions to mid-January 2006.

Based on the foregoing, the parties respectfully request that this Court grant their motion to extend the discovery deadline from December 30, 2005 to January 31, 2006 and to reschedule the case management conference for a date convenient for this Court in February 2006.

Respectfully submitted,

Defendant/Cross Claim Plaintiff/Counterclaim Plaintiff/
Third Party Plaintiff,

DAVID M. KORNACKI

By his Attorneys,

/s/Katherine R. Parsons

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Plaintiff/Counterclaim Defendant,

JDS UNIPHASE CORPORATION BENEFITS
COMMITTEE of the JDS UNIPHASE CORPORATION
EMPLOYEE 401(k) RETIREMENT PLAN

and

Third Party Defendant,

JDS UNIPHASE CORPORATION EMPLOYEE
401(k) RETIREMENT PLAN

By their Attorneys,

/s/Charles L. Deem

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Defendant/Cross Claim Defendant,

MABEL TAVARES

By her Attorneys,

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